

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:
AIDA GUZMAN VELEZ
DAVID RODRIGUEZ TORRENS

Debtor(s)

Case No.: **10-05141-BKT**

Chapter 13

TRUSTEE'S OBJECTION TO EXEMPTION(S)

TO THE HONORABLE COURT:

COMES NOW Alejandro Oliveras Rivera, Chapter 13 Trustee, through the undersigned attorney, and very respectfully states, alleges and prays as follows:

1. Pursuant to Federal Bankruptcy Rule 4003(b), the trustee is hereto objecting to debtor(s) claim for exemptions as set forth below. In so objecting, the trustee has considered the value of the properties subject of exemption as well as the liens on this property¹.

2. Debtors Amended Schedule C on December 06, 2010..

3. They listed in Schedule A the estate property that is described as follows:

PROPERTY LOCATED AT 1832 CALLE ALCALA,
URB COLLEGE PARK, SAN JUAN PR
Valued at 223,000.00

4. The debtors have exceeded in their claim for exemption under §522(d)(5) by \$9,675.00. Namely, the debtors claimed exemption in the total amount of \$21,625 pursuant 522(1) for the a private property of one of the debtors and pursuant 522 d(5) they claimed \$10,825 for the same property. In so far the property listed, and per debtors' testimony in the meeting of creditors, said property is owned by Mrs. Aida Guzmán. Debtors are not supposed to claim that amount by §522(d)(5) since she

¹ The amount of the debts secured by the properties in question was obtained from the proof of claim, if one was filed, or, in its absence, from the scheduled amount.

already claim full exemption pursuant 522(d)(1) and he has no interest in such property. Therefore the Debtors are not entitled to the amount claimed in excess.

WHEREFORE the Trustee respectfully prays that an order be entered denying the debtor (s) claim for exemption(s) as set out above.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party in interest whom this document has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this document with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the document will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the Court may - in its discretion - schedule a hearing. 9013-1(h)(1).

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail. I further certify that the foregoing document has been served to the U.S. Trustee at ustregion21.hr.ecf@usdoj.gov and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to debtor(s) at the address of record.

In San Juan, Puerto Rico, this 10th day of December of 2010.

ALEJANDRO OLIVERAS RIVERA
CHAPTER 13 TRUSTEE
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By: /s/OSMARIE NAVARRO MARTINEZ
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